

condemnation of 3 pounds of coal-tar color, remaining unsold in the original unbroken packages at Brooklyn, N. Y., alleging that the article had been shipped by the W. B. Wood Mfg. Co., St. Louis, Mo., and transported from the State of Missouri into the State of New York, and had been received in the Borough of Brooklyn, N. Y., on or about February 25, 1921, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that sodium chlorid and sodium sulphate had been mixed and packed with, and substituted wholly or in part for, the said article. Adulteration was alleged for the further reason that the article contained an added poisonous or deleterious ingredient, arsenic, which might render it injurious to health.

On June 10, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9938. Misbranding of La Provence Brand oil. U. S. * * * v. 75 Cans * * *, 16 Cans * * *, and 15 Cans * * * of Oil. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 15149. I. S. Nos. 6230-t, 6231-t, 6232-t. S. No. E-3476.)

On July 26, 1921, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 75 cans, 16 cans, and 15 cans, each purporting to contain one quart, one-half gallon, or one gallon, respectively, of vegetable oil, remaining in the original unbroken packages at Scranton, Pa., alleging that the article had been shipped by the Littauer Oil Co., Guttenberg, N. J., on or about January 22, 1921, and transported from the State of New Jersey into the State of Pennsylvania, and charging misbranding in violation of the Food and Drugs Act, as amended.

Misbranding of the article was alleged in the libel for the reason that the statements on the respective labels, to wit, "One Quart," "One Half Gallon," and "One Gallon," were false and misleading and deceived and misled the purchaser because of the fact that the said cans marked "One Quart" contained less than one quart, the said cans marked "One Half Gallon" contained less than one-half gallon, and the said cans marked "One Gallon" contained less than one gallon. Misbranding was alleged for the further reason that the said article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the said statements were not correct.

On September 8, 1921, the Littauer Oil Co., Guttenberg, N. J., having filed its claim and answer denying the material allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$300, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9939. Misbranding of pears. U. S. * * * v. 558 Boxes of Pears. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 15357. I. S. No. 7903-t. S. No. E-3571.)

On September 3, 1921, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and

condemnation of 558 boxes of pears, remaining in the original unbroken packages at Philadelphia, Pa., consigned by Cohen, Mann & Kahn, Palmdale, Calif., alleging that the article had been shipped from Palmdale, Calif., on or about August 10, 1921, and transported from the State of California into the State of Pennsylvania, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Bartlett Pears * * * Net Contents Not Less Than 45 Lbs."

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statement regarding the said article was false and misleading in that the said statement indicated that the package contained not less than 45 pounds of the said article, when in fact it did contain less.

On September 12, 1921, A. Cancelmo, Philadelphia, Pa., having entered an appearance as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,000, in conformity with section 10 of the act, conditioned in part that the said product be relabeled under the supervision of this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9940. Adulteration and misbranding of vinegar. U. S. * * * v. 41 Barrels of Vinegar. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 13993. I. S. No. 5305-t. S. No. E-2913.)

On December 9, 1920, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 41 barrels of vinegar, remaining unsold in the original unbroken packages at Bridgeport, Conn., alleging that the article had been shipped by the Powell Corp., Canandaigua, N. Y., on or about June 17, 1920, and transported from the State of New York into the State of Rhode Island, and reshipped therefrom into the State of Connecticut, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that apple waste vinegar and added ash material had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged in substance for the reason that the barrels containing the article bore the statement regarding the said article and the ingredients and substances contained therein, to wit, "Pure Cider Vinegar Made From Apples," which statement was false and misleading and deceived and misled the purchaser in that it was intended to induce the purchaser to believe that the said article was apple cider vinegar, when, in truth and in fact, it was not. Misbranding was alleged for the further reason that the said article was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, cider vinegar.

On June 9, 1921, the Powell Corp., Canandaigua, N. Y., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$600, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*